

EXHIBIT B

1 PILLSBURY WINTHROP SHAW PITTMAN LLP
2 ROXANE A. POLIDORA (CA Bar No. 135972)
3 roxane.polidora@pillsburylaw.com
4 LEE BRAND (CA Bar No. 287110)
5 lee.brand@pillsburylaw.com
6 Four Embarcadero Center, 22nd Floor
7 San Francisco, CA 94111
8 Telephone: (415) 983-1000
9 Facsimile: (415) 983-1200
10 Attorneys for Defendant
11 STARKIST CO.

12

UNITED STATES DISTRICT COURT

13 **NORTHERN DISTRICT OF CALIFORNIA**

14

15 WARREN GARDNER, et al., on behalf of
16 Themselves and all others similarly situated,

17 Plaintiffs,

18 v.

19 STARKIST CO., a Delaware Corporation,

20 Defendant.

21

22

23

24

25

26

27

28

Case No. 3:19-cv-02561-WHO

**STARKIST CO.'S RESPONSES AND
OBJECTIONS TO PLAINTIFFS'
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant
2 StarKist Co. (“StarKist”) hereby responds and objects to Plaintiffs’ First Set of Requests for
3 Production of Documents served by electronic mail on August 13, 2020 (the “Requests”) as
4 follows:

5 **PRELIMINARY STATEMENT**

6 1. These responses and objections are based on StarKist’s interpretation and
7 understanding of the individual Requests and its investigation to date, its knowledge, and its
8 belief. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, StarKist expressly
9 reserves the right to augment, amend, or supplement these responses and objections as
10 necessary, including based on additional or different information that further investigation
11 or discovery may disclose.

12 2. StarKist’s responses and objections to the Requests are made solely for the
13 purpose of and in relation to the above-captioned action (the “Action”) and on the express
14 condition that such information shall not be used or disclosed for any other purpose. To the
15 extent StarKist provides any information or produces any documents in response to the
16 Requests, it will do so in accordance with the Stipulated Protective Order that the Court
17 entered on April 16, 2020 (Dkt. No. 96).

18 3. StarKist reserves the right to refer to, to conduct discovery with reference to,
19 or to offer into evidence at the time of trial, any and all facts, evidence, documents, and
20 things developed during the course of discovery and trial preparation, notwithstanding the
21 reference to facts, evidence, documents, and things in these responses.

22 4. StarKist’s responses and objections are made without waiving or intending
23 to waive any objection(s).

24 **GENERAL OBJECTIONS**

25 1. StarKist objects to the Requests on the grounds, reflected in its pending
26 Motion to Deny Class Certification (Dkt. No. 107) (the “Motion”), that class certification
27 should be denied without discovery in this Action because Plaintiffs cannot make a *prima
facie* showing of Rule 23’s prerequisites and because discovery is not likely to produce

1 persuasive information substantiating the class action allegations. StarKist intends to
2 supplement these responses and objections, if and to the extent necessary, after the Court
3 has addressed the Motion.

4 2. StarKist objects to the Requests based on the Court’s June 4, 2020 Order on
5 Discovery Dispute in the related case *Duggan v. Tri-Union Seafoods LLC*, Case No. 3:19-
6 cv-02562-WHO (*Duggan* Dkt. No. 74) (the “Discovery Order”). Specifically, StarKist
7 objects to the extent Plaintiffs’ Requests are in violation of the Court’s Discovery Order
8 holding that the “only label at issue in [this Action] is the dolphin-safe label” and that
9 discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin
10 harm and/or dolphin mortality.”

11 3. StarKist objects to the Requests to the extent they impose obligations and
12 demands upon StarKist beyond those contemplated by the Federal Rules of Civil
13 Procedure, the applicable Local Rules, or any order or ruling by the Court in this case.

14 4. StarKist objects to the Requests to the extent they seek documents or
15 information that is not in StarKist’s possession, custody, or control. StarKist further objects
16 to the Requests to the extent that they purport to require StarKist to conduct anything
17 beyond a reasonable and diligent search for responsive documents or information where
18 such documents or information would reasonably be expected to be found.

19 5. StarKist objects to the Requests to the extent they seek the production of
20 documents or disclosure of information protected by any applicable privilege, including but
21 not limited to the attorney-client privilege, common-interest privilege, the work-product
22 doctrine or immunity, and any other applicable privilege, immunity, or exemption from
23 discovery as outlined in the Federal Rules of Civil Procedure, Local Rules, any order or
24 ruling by the Court in this case, and applicable law. To the fullest extent allowable under
25 Federal Rule of Evidence 502 and any other applicable law, inadvertent production of any
26 such documents or disclosure of any such information shall not constitute a waiver of any
27 privilege with respect to the documents produced or information disclosed or the subject
28 matter thereof, or a waiver of StarKist’s right to object to the use of any such documents or

1 information during trial or any subsequent proceeding or to demand the return of any
2 documents or information so disclosed.

3 6. StarKist objects to the Requests to the extent they seek trade secrets,
4 sensitive business information, or other information that is proprietary and/or confidential,
5 including documents or information deemed confidential pursuant to a confidentiality
6 agreement or other arrangements or protected from production or disclosure pursuant to
7 court order. StarKist will not disclose information or produce documents that are subject to
8 confidentiality restrictions of a third party except in conformity with StarKist's obligations
9 to such third parties.

10 7. StarKist objects to the Requests to the extent that they purport to require
11 StarKist to draw subjective or legal conclusions, or are predicated on subjective or legal
12 conclusions or arguments. Subject to and without waiving any objections, StarKist states
13 that any response, production of documents, or provision of information in response to the
14 Requests is not intended to provide, and shall not constitute or be construed as providing,
15 an admission concerning any of the terms used in the Requests.

16 8. StarKist objects to the Requests to the extent that they contain inaccurate,
17 incomplete, or misleading descriptions of the facts, persons, relationships, and/or events
18 underlying this Action. StarKist further objects to the Requests in their entirety to the
19 extent that they assume the existence of facts that do not exist or the occurrence of events
20 that did not take place. The fact that StarKist is willing to produce documents or provide
21 responsive information does not constitute an admission that any Request is proper, that the
22 documents or information it seeks is relevant or within the proper bounds of discovery, that
23 the factual predicates stated in the Requests are accurate, or that similar Requests will be
24 treated in a similar fashion.

25 9. StarKist objects to the Requests to the extent that they are overbroad, unduly
26 burdensome, not reasonably calculated to lead to the discovery of admissible evidence, not
27 related to any party's claim or defense, or not proportional to the needs of the case.

1 10. StarKist objects to the Requests to the extent that they seek documents or
2 information already obtained by Plaintiffs or that they can obtain from sources that are
3 more convenient, less burdensome, or less expensive. In particular, StarKist objects to the
4 extent the Requests seek documents or information, which by reason of public filing, prior
5 production, or otherwise, are already in Plaintiffs' possession or are readily accessible to
6 Plaintiffs.

7 11. StarKist objects to the Requests as premature to the extent that StarKist
8 would have to engage in expert analysis, and/or render expert opinions in order to respond
9 or produce documents.

10 12. StarKist objects to the Requests to the extent that they are duplicative or
11 cumulative, and objects to each Request to the extent that it is duplicative or cumulative of
12 other discovery.

13 13. StarKist objects to the definition of "Advertisement(s)" or "Advertising" as
14 vague, ambiguous, overbroad, and unduly burdensome, particularly to the extent it purports
15 to include "any . . . method used to promote" the tuna products at issue in this case.

16 14. StarKist objects to the definitions of "and," "or," and "any" as vague,
17 ambiguous, overbroad, unduly burdensome, and to the extent they impose obligations on
18 StarKist that are different or broader than those set forth in the Federal Rules of Civil
19 Procedure, applicable Local Rules, or any order or ruling by the Court in this case. StarKist
20 will construe "and," "or," and "any" to have their normal meaning.

21 15. StarKist objects to the definition of "Bycatch" as overbroad and unduly
22 burdensome because it includes marine species other than dolphins.

23 16. StarKist objects to the definition of "Communication" as vague, ambiguous,
24 overbroad, and unduly burdensome, particularly with respect to the phrase "by any means."
25 StarKist further objects to the extent this definition purports to impose obligations on
26 StarKist that are different or broader than those set forth in the Federal Rules of Civil
27 Procedure, applicable Local Rules, or any order or ruling by the Court in this case.

28

1 17. StarKist objects to the definition of “Dongwon” as nonsensical as StarKist is
2 unfamiliar with any entity called “Industries Co. Ltd.” StarKist further objects to this
3 definition as vague, ambiguous, overbroad, and unduly burdensome to the extent that it
4 purports to encompass any entity’s “past and present parents, subsidiaries, affiliates,
5 predecessors, successors, employees, independent contractors, officers, agents, vendors,
6 accountants, and all other persons or entities acting on its behalf or under its direct or
7 indirect control.” StarKist further objects to this definition to the extent it seeks
8 information from Dongwon Industries Co. Ltd., which has been dismissed from this Action
9 with prejudice. StarKist further objects to the extent that the definition calls for a legal
10 conclusion as to any agency, employment, or affiliate relationship.

11 18. StarKist objects to the definition of “EII” as vague, ambiguous, overbroad,
12 and unduly burdensome to the extent that it purports to encompass the Earth Island
13 Institute’s “past and present parents, subsidiaries, affiliates, predecessors, successors,
14 employees, independent contractors, officers, agents, vendors, accountants, and all other
15 persons or entities acting on its behalf or under its direct or indirect control.” StarKist
16 further objects to the extent that the definition calls for a legal conclusion as to any agency,
17 employment, or affiliate relationship. StarKist will construe “EII” to mean the Earth Island
18 Institute.

19 19. StarKist objects to the definition of “EII Dolphin Safe Logo” as vague,
20 ambiguous, and nonsensical in its use of the word “EII,” which has no apparent connection
21 to the referenced logo in paragraph 20 of Plaintiffs’ SAC (the “Dolphin Safe Logo”).
22 StarKist will construe “EII Dolphin Safe Logo” to mean the “Dolphin Safe Logo.”

23 20. StarKist objects to the definition of “Employee(s)” as vague, ambiguous,
24 overbroad, and unduly burdensome, particularly to the extent it purports to include anyone
25 who “acted or purported to act on behalf of another person or persons, including all past
26 and present directors, officers, executives, agents, representatives, attorneys, accountants,
27 independent contractors, contact persons, advisors, and consultants of such other person or
28

1 persons.” StarKist further objects to the extent that the definition calls for a legal
2 conclusion as to any agency or employment relationship.

3 21. StarKist objects to the definition of “FADs” as vague, ambiguous,
4 overbroad, and unduly burdensome because it is not limited to fish aggregating devices
5 used to attract tuna for use in the tuna products at issue in this case.

6 22. StarKist objects to the definition of “ISSF” as vague, ambiguous, overbroad,
7 and unduly burdensome to the extent that it purports to encompass the International
8 Seafood Sustainability Foundation’s “past and present parents, subsidiaries, affiliates,
9 predecessors, successors, employees, independent contractors, officers, agents, vendors,
10 accountants, and all other persons or entities acting on its behalf or under its direct or
11 indirect control.” StarKist further objects to the extent that the definition calls for a legal
12 conclusion as to any agency, employment, or affiliate relationship. StarKist will construe
13 “ISSF” to mean the International Seafood Sustainability Foundation.

14 23. StarKist objects to the definition of “Label(s)” and “Labeling” as vague,
15 ambiguous, overbroad, and unduly burdensome to the extent it purports to include “any
16 other promotion or promotional campaign materials that . . . come with” any StarKist
17 product.

18 24. StarKist objects to the definition of “NFI” as vague, ambiguous, overbroad,
19 and unduly burdensome to the extent that it purports to encompass the National Fisheries
20 Institute’s “past and present parents, subsidiaries, affiliates, predecessors, successors,
21 employees, independent contractors, officers, agents, vendors, accountants, and all other
22 persons or entities acting on its behalf or under its direct or indirect control.” StarKist
23 further objects to the extent that the definition calls for a legal conclusion as to any agency,
24 employment, or affiliate relationship. StarKist will construe “NFI” to mean the National
25 Fisheries Institute.

26 25. StarKist objects to the definition of “net sales” as vague and ambiguous in
27 its use of the terms “rebates,” “returns,” and “discounts.”

28

1 26. StarKist objects to the definition of “Person(s)” as vague, ambiguous,
2 overbroad, and unduly burdensome, particularly to the extent it purports to include “the
3 representatives of any such person or persons.”

4 27. StarKist objects to the definition of “Product(s)” as vague, ambiguous,
5 overbroad, and unduly burdensome to the extent it purports to include any tuna products
6 that are not branded as “StarKist” products.

7 28. StarKist objects to the definition of “relate,” “relating to,” “concerning,” and
8 “regarding” as vague, ambiguous, overbroad, and unduly burdensome. StarKist further
9 objects to the extent this definition purports to impose any obligations on StarKist that are
10 different or broader than those set forth in the Federal Rules of Civil Procedure, applicable
11 Local Rules, or any order or ruling by the Court in this case.

12 29. StarKist objects to the definition of “Social Media” as vague, ambiguous,
13 overbroad, and unduly burdensome in its use of the terms “users,” “content,” and “social
14 networking.”

15 30. StarKist objects to the definition of “Social Media” as vague, ambiguous,
16 overbroad, and unduly burdensome to the extent it purports to include any “websites and
17 applications that enable users to create and share content.”

18 31. StarKist objects to the definition of “StarKist,” “You,” “Your,” and
19 “Manufacturer” as vague, ambiguous, overbroad, and unduly burdensome to the extent that
20 it purports to encompass StarKist’s “past and present parents, subsidiaries, affiliates,
21 predecessors, successors, employees, independent contractors, officers, agents, vendors,
22 accountants, and all other persons or entities acting on its behalf or under its direct or
23 indirect control including, without limitation, Dongwon.” StarKist further objects to this
24 definition to the extent it seeks information not within StarKist’s possession, custody, or
25 control. StarKist further objects to this definition to the extent it seeks information from
26 Dongwon Industries Co. Ltd., which has been dismissed from this Action with prejudice.
27 StarKist further objects to this definition to the extent it seeks information, the disclosure of
28 which is prohibited by law, regulation, order of a court, or other authority of a foreign

1 jurisdiction in which the information is located. StarKist further objects to the extent that
2 the definition calls for a legal conclusion as to any agency, employment, or affiliate
3 relationship. StarKist will construe “StarKist,” “You,” “Your,” and “Manufacturer” to
4 mean StarKist Co.

5 32. StarKist objects to the definition of “Wholesale Price” as vague and
6 ambiguous in its use of the terms “in bulk,” “discount,” and “rebate.”

7 33. StarKist objects to paragraph 2 of the INSTRUCTIONS as vague,
8 ambiguous, overbroad, and unduly burdensome in purporting to require that StarKist
9 interpret any “reference to a business entity” as including that business entity’s “affiliated
10 companies, partnerships, divisions, subdivisions, directors, officers, employees, agents,
11 clients, or other representatives of affiliated third parties.” StarKist further objects to the
12 extent that this paragraph calls for a legal conclusion as to any agency, employment, or
13 affiliate relationship. StarKist will construe references to a business entity to mean that
14 business entity.

15 34. StarKist objects to paragraph 3 of the INSTRUCTIONS as overbroad and
16 unduly burdensome, and to the extent this paragraph imposes obligations on StarKist that
17 are different or broader than those set forth in the Federal Rules of Civil Procedure,
18 applicable Local Rules, or any order or ruling by the Court in this case. StarKist further
19 objects to this paragraph to the extent that it purports to require the production of
20 information that is protected by the attorney-client privilege, work product doctrine, or
21 other similar privileges. To the extent that StarKist withholds or redacts any responsive
22 documents on the basis of the attorney-client privilege, work product doctrine, or other
23 similar privileges, StarKist will produce a privilege log that complies with Rules 26 and 34
24 of the Federal Rules of Civil Procedure and the Local Rules. The parties will meet and
25 confer regarding the timing for the exchange of privilege logs in an effort to agree to
26 exchange logs at a mutually agreeable time.

27 35. StarKist objects to paragraphs 4, 5, and 6 of the INSTRUCTIONS as
28 overbroad, unduly burdensome, and not proportional to the needs of the case. StarKist

1 further objects to these paragraphs to the extent they seek documents or information that is
2 not in StarKist's possession, custody, or control. StarKist further objects to these
3 paragraphs to the extent that they impose obligations on StarKist that are different or
4 broader than those set forth in the Federal Rules of Civil Procedure, applicable Local Rules,
5 or any order or ruling by the Court in this case.

6 36. StarKist objects to paragraph 7 of the INSTRUCTIONS to the extent that it
7 seeks to impose deadlines or other obligations that are inconsistent with Rule 26(e) of the
8 Federal Rules of Civil Procedure. StarKist will supplement its discovery responses as
9 required by the Federal Rules of Civil Procedure, the Local Rules, or any order or ruling by
10 the Court in this case.

11 37. StarKist objects to paragraphs 8 and 9 of the INSTRUCTIONS as overbroad,
12 unduly burdensome, and not proportional to the needs of the case. StarKist further objects
13 to these paragraphs to the extent that they impose obligations on StarKist that are different
14 or broader than those set forth in the Federal Rules of Civil Procedure, applicable Local
15 Rules, or any order or ruling by the Court in this case.

16 38. StarKist objects to paragraphs 10 to 33 of the FORM OF PRODUCTION in
17 their entirety as overbroad, unduly burdensome, not proportional to the needs of the case,
18 and imposing obligations on StarKist that are different or broader than those set forth in the
19 Federal Rules of Civil Procedure, applicable Local Rules, or any order or ruling by the
20 Court in this case. The parties have been meeting and conferring on a Stipulation re:
21 Discovery of Electronically Stored Information that addresses the form of production in this
22 Action and will continue to meet and confer on that subject in an effort to execute a
23 mutually agreeable stipulation.

24 StarKist hereby incorporates the foregoing General Objections into each of its
25 responses below, as though fully stated therein.

26

27

28

SPECIFIC RESPONSES AND OBJECTIONS

REQUEST FOR PRODUCTION NO. 1

3 All Documents referred to or relied upon in responding to Plaintiffs' First Set of
4 Interrogatories, including but not limited to Documents that were created outside the
5 Relevant Time Period.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1

7 StarKist hereby incorporates by reference its General Objections. StarKist further
8 objects to this Request on the grounds, reflected in the Motion, that class certification
9 should be denied without discovery in this Action. StarKist further objects on the basis that
10 this Request is overbroad and unduly burdensome and seeks information that is not
11 proportional to the needs of discovery in this case, particularly in its use of the phrase “[all]
12 Documents.” StarKist further objects to this Request as vague and ambiguous, particularly
13 with respect to the phrase “relied upon.” StarKist further objects to the Request to the
14 extent that it seeks information that is publicly available and/or can be obtained from
15 sources that are more convenient, less burdensome, or less expensive. StarKist further
16 objects to the Request to the extent that it seeks information protected from discovery by
17 any applicable privilege, immunity, or protection.

REQUEST FOR PRODUCTION NO. 2

19 All Documents, including NOAA spot check audit documents, which you contend
20 support the dolphin-safe, responsible sourcing, or sustainability representations made in
21 your Advertisements and Labeling for the Products.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2

23 StarKist hereby incorporates by reference its General Objections. StarKist further
24 objects to this Request on the grounds, reflected in the Motion, that class certification
25 should be denied without discovery in this Action. StarKist further objects on the basis that
26 this Request is overbroad and unduly burdensome and seeks information that is not
27 proportional to the needs of discovery in this case, particularly in its use of the phrase “[all]
28 Documents,” and in light of the Discovery Order holding that discovery requests “relating

1 to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.”
2 StarKist further objects to this Request as vague and ambiguous. StarKist further objects to
3 the Request to the extent that it seeks information that is publicly available and/or can be
4 obtained from sources that are more convenient, less burdensome, or less expensive.
5 StarKist further objects to the Request to the extent that it seeks information protected from
6 discovery by any applicable privilege, immunity, or protection.

7 **REQUEST FOR PRODUCTION NO. 3**

8 All Documents and Communications that support, refer, or relate to Your
9 verification that Your Products are dolphin-safe, do not contain tuna in which any dolphins
10 were harmed in the procurement, and are sustainably sourced.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3**

12 StarKist hereby incorporates by reference its General Objections. StarKist further
13 objects to this Request on the grounds, reflected in the Motion, that class certification
14 should be denied without discovery in this Action. StarKist further objects on the basis that
15 this Request is overbroad and unduly burdensome and seeks information that is not
16 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
17 Documents,” and in light of the Discovery Order holding that discovery requests “relating
18 to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.”
19 StarKist further objects to this Request as vague and ambiguous, particularly with respect to
20 the terms “relate,” “verification,” “harmed,” “procurement,” and “sustainably sourced.”
21 StarKist further objects to this Request as cumulative and duplicative of Request No. 2.
22 StarKist further objects to the Request to the extent that it seeks information that is publicly
23 available and/or can be obtained from sources that are more convenient, less burdensome,
24 or less expensive. StarKist further objects to the Request to the extent that it seeks
25 information protected from discovery by any applicable privilege, immunity, or protection.

26 **REQUEST FOR PRODUCTION NO. 4**

27 All Documents and Communications relating to or concerning documented
28 instances of dolphins harmed or killed, whether intentionally or unintentionally, in the

1 procurement of the tuna in your Products. To avoid doubt, this includes any harm to
2 dolphins occurring in fishing for tuna in your Products, even if that harm was attributable to
3 a tuna catch that was segregated out as non-dolphin safe or where the tuna caught did not
4 otherwise end up in your Products.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4**

6 StarKist hereby incorporates by reference its General Objections. StarKist further
7 objects to this Request on the grounds, reflected in the Motion, that class certification
8 should be denied without discovery in this Action. StarKist further objects on the basis that
9 this Request is overbroad and unduly burdensome and seeks information that is not
10 proportional to the needs of discovery in this case, particularly in its use of the phrases
11 “[a]ll Documents and Communications” and its purported inclusion of tuna that did not end
12 up in any StarKist product. StarKist further objects to this Request as vague and
13 ambiguous, particularly with respect to the phrases “relating to or concerning” and
14 “documented instances,” and the terms “harmed,” “harm,” “procurement,” “attributable,”
15 and “tuna catch.” StarKist further objects to the Request to the extent that it seeks
16 information that is publicly available and/or can be obtained from sources that are more
17 convenient, less burdensome, or less expensive. StarKist further objects to the Request to
18 the extent that it seeks information protected from discovery by any applicable privilege,
19 immunity, or protection.

20 **REQUEST FOR PRODUCTION NO. 5**

21 All Documents and Communications relating to any harm or killing, whether
22 intentional or unintentional, of dolphins by any fishing by Your fishing fleet, or any boat in
23 which You or Your owners have any financial interest.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5**

25 StarKist hereby incorporates by reference its General Objections. StarKist further
26 objects to this Request on the grounds, reflected in the Motion, that class certification
27 should be denied without discovery in this Action. StarKist further objects on the basis that
28 this Request is overbroad and unduly burdensome and seeks information that is not

1 proportional to the needs of discovery in this case, particularly in its use of the phrases
 2 “[a]ll Documents and Communications,” “any harm or killing,” “any fishing,” “any boat,”
 3 and “any financial interest.” StarKist further objects to this Request as vague and
 4 ambiguous, particularly with respect to the terms “relating,” “harm,” “fishing fleet,”
 5 “owners,” and “financial interest.” StarKist further objects to this Request as cumulative
 6 and duplicative of Request No. 4. StarKist further objects to this definition to the extent it
 7 seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this
 8 Action with prejudice. StarKist further objects to the Request to the extent that it seeks
 9 information that is publicly available and/or can be obtained from sources that are more
 10 convenient, less burdensome, or less expensive. StarKist further objects to this Request to
 11 the extent it seeks information not within the possession, custody, or control of StarKist.
 12 StarKist further objects to the Request to the extent that it seeks information protected from
 13 discovery by any applicable privilege, immunity, or protection.

14 **REQUEST FOR PRODUCTION NO. 6**

15 All Documents related to or concerning tuna that was separately stored because
 16 dolphins were harmed during its procurement.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6**

18 StarKist hereby incorporates by reference its General Objections. StarKist further
 19 objects to this request on the grounds, reflected in the Motion, that class certification should
 20 be denied without discovery in this Action. StarKist further objects on the basis that this
 21 Request is overbroad and unduly burdensome and seeks information that is not proportional
 22 to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents”
 23 and its purported inclusion of tuna unrelated to any StarKist product. StarKist further
 24 objects to this Request as vague and ambiguous, particularly with respect to the phrase
 25 “related to or concerning” and the terms “harmed” and “procurement.” StarKist further
 26 objects to this Request as cumulative and duplicative of Request Nos. 4 and 5. StarKist
 27 further objects to the Request to the extent that it seeks information that is publicly
 28 available and/or can be obtained from sources that are more convenient, less burdensome,

1 or less expensive. StarKist further objects to this Request to the extent it seeks information
2 not within the possession, custody, or control of StarKist. StarKist further objects to the
3 Request to the extent that it seeks information protected from discovery by any applicable
4 privilege, immunity, or protection.

5 **REQUEST FOR PRODUCTION NO. 7**

6 All Documents sufficient to show by name, country of origin, ownership, call sign,
7 IMO number, MMSI number, and flag all boats that supplied the tuna in Your Products or
8 that was involved in transshipping that tuna.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7**

10 StarKist hereby incorporates by reference its General Objections. StarKist further
11 objects to this request on the grounds, reflected in the Motion, that class certification should
12 be denied without discovery in this Action. StarKist further objects on the basis that this
13 Request is overbroad and unduly burdensome and seeks information that is not proportional
14 to the needs of discovery in this case, particularly in its use of the phrases “[a]ll
15 Documents” and “all boats.” StarKist further objects to this Request as vague and
16 ambiguous, particularly with respect to the terms “IMO number” and “MMSI number,” and
17 the phrase “involved in transshipping.” StarKist further objects to the Request to the extent
18 that it seeks information that is publicly available and/or can be obtained from sources that
19 are more convenient, less burdensome, or less expensive. StarKist further objects to the
20 Request to the extent that it seeks information protected from discovery by any applicable
21 privilege, immunity, or protection.

22 **REQUEST FOR PRODUCTION NO. 8**

23 All Documents identifying by name, country of origin, ownership, call sign, IMO
24 number, MMSI number, and flag all boats in which You or Your owners, have any
25 ownership or financial interest.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8**

27 StarKist hereby incorporates by reference its General Objections. StarKist further
28 objects to this Request on the grounds, reflected in the Motion, that class certification

1 should be denied without discovery in this Action. StarKist further objects on the basis that
 2 this Request is overbroad and unduly burdensome and seeks information that is not
 3 proportional to the needs of discovery in this case, particularly in its use of the phrases
 4 “[a]ll Documents,” “all boats,” and “any ownership or financial interest,” and its purported
 5 inclusion of boats unrelated to any StarKist tuna product. StarKist further objects to this
 6 Request as vague and ambiguous, particularly with respect to the terms “IMO number,”
 7 “MMSI number,” and “owners,” and the phrase “ownership or financial interest.” StarKist
 8 further objects to this Request as cumulative and duplicative of Request No. 7. StarKist
 9 further objects to this definition to the extent it seeks information from Dongwon Industries
 10 Co. Ltd., which has been dismissed from this Action with prejudice. StarKist further
 11 objects to the Request to the extent that it seeks information that is publicly available and/or
 12 can be obtained from sources that are more convenient, less burdensome, or less expensive.
 13 StarKist further objects to this Request to the extent it seeks information not within the
 14 possession, custody, or control of StarKist. StarKist further objects to the Request to the
 15 extent that it seeks information protected from discovery by any applicable privilege,
 16 immunity, or protection.

17 **REQUEST FOR PRODUCTION NO. 9**

18 All Documents relating to or concerning the fishing method(s) used by each boat
 19 that supplied the tuna in Your Products, including, without limitation, the percentage of
 20 Your tuna procured by each fishing method.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9**

22 StarKist hereby incorporates by reference its General Objections. StarKist further
 23 objects to this Request on the grounds, reflected in the Motion, that class certification
 24 should be denied without discovery in this Action. StarKist further objects on the basis that
 25 this Request is overbroad and unduly burdensome and seeks information that is not
 26 proportional to the needs of discovery in this case, particularly in its use of the phrases
 27 “[a]ll Documents” and “each boat.” StarKist further objects to this Request as vague and
 28 ambiguous, particularly with respect to the term “procured.” StarKist further objects to the

1 Request to the extent that it seeks information that is publicly available and/or can be
2 obtained from sources that are more convenient, less burdensome, or less expensive.
3 StarKist further objects to the Request to the extent that it seeks information protected from
4 discovery by any applicable privilege, immunity, or protection.

5 **REQUEST FOR PRODUCTION NO. 10**

6 For each boat identified in Request No. 8, above, produce Documents identifying
7 the name, address, and contact information of all captains and observers, if any, on board
8 and the time period during which they served.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10**

10 StarKist hereby incorporates by reference its General Objections. StarKist further
11 objects to this Request on the grounds, reflected in the Motion, that class certification
12 should be denied without discovery in this Action. StarKist further objects on the basis that
13 this Request is overbroad and unduly burdensome and seeks information that is not
14 proportional to the needs of discovery in this case, particularly in its use of the phrase “all
15 captains and observers,” and its purported inclusion of boats unrelated to any StarKist tuna
16 product. StarKist further objects to this Request as vague and ambiguous, particularly with
17 respect to the terms “captains,” “observers,” and “served.” StarKist further objects to the
18 Request to the extent that it seeks information that is publicly available and/or can be
19 obtained from sources that are more convenient, less burdensome, or less expensive.
20 StarKist further objects to this Request to the extent it seeks information not within the
21 possession, custody, or control of StarKist. StarKist further objects to the Request to the
22 extent that it seeks information protected from discovery by any applicable privilege,
23 immunity, or protection.

24 **REQUEST FOR PRODUCTION NO. 11**

25 All Documents and Communications relating to or concerning captain and observer
26 compensation on each boat identified in response to Request No. 8, above.
27
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11**

2 StarKist hereby incorporates by reference its General Objections. StarKist further
3 objects to this Request on the grounds, reflected in the Motion, that class certification
4 should be denied without discovery in this Action. StarKist further objects on the basis that
5 this Request is overbroad and unduly burdensome and seeks information that is not
6 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
7 Documents and Communications,” and its purported inclusion of boats unrelated to any
8 StarKist tuna product. StarKist further objects to this Request as vague and ambiguous,
9 particularly with respect to the phrase “relating to or concerning” and the terms “captain,”
10 “observer,” and “compensation.” StarKist further objects to the Request to the extent that it
11 seeks information that is publicly available and/or can be obtained from sources that are
12 more convenient, less burdensome, or less expensive. StarKist further objects to this
13 Request to the extent it seeks information not within the possession, custody, or control of
14 StarKist. StarKist further objects to the Request to the extent that it seeks information
15 protected from discovery by any applicable privilege, immunity, or protection.

16 **REQUEST FOR PRODUCTION NO. 12**

17 All Documents and Communications relating to or concerning the compensation of
18 Your tuna suppliers, their names, addresses, and contact information, and the term(s) of
19 their engagement(s).

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12**

21 StarKist hereby incorporates by reference its General Objections. StarKist further
22 objects to this Request on the grounds, reflected in the Motion, that class certification
23 should be denied without discovery in this Action. StarKist further objects on the basis that
24 this Request is overbroad and unduly burdensome and seeks information that is not
25 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
26 Documents and Communications.” StarKist further objects to this Request as vague and
27 ambiguous, particularly with respect to the phrases “relating to or concerning” and “term(s)
28 of their engagement(s),” and the term “compensation.” StarKist further objects to the

1 Request to the extent that it seeks information that is publicly available and/or can be
2 obtained from sources that are more convenient, less burdensome, or less expensive.
3 StarKist further objects to the Request to the extent that it seeks information protected from
4 discovery by any applicable privilege, immunity, or protection. StarKist further objects to
5 this Request to the extent it calls for information that is subject to third-party confidentiality
6 restrictions.

7 **REQUEST FOR PRODUCTION NO. 13**

8 All Documents constituting or regarding inquiries, complaints, or Communications
9 regarding Your Products whether by NMFS, NOAA, or any other governmental regulatory
10 agency, either domestic or international.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13**

12 StarKist hereby incorporates by reference its General Objections. StarKist further
13 objects to this Request on the grounds, reflected in the Motion, that class certification
14 should be denied without discovery in this Action. StarKist further objects on the basis that
15 this Request is overbroad and unduly burdensome and seeks information that is not
16 proportional to the needs of discovery in this case, particularly in its use of the phrases
17 “[a]ll Documents” and “any other governmental regulatory agency, either domestic or
18 international,” and its purported inclusion of documents without any limitation as to subject
19 matter. StarKist further objects to this Request as vague and ambiguous, particularly with
20 respect to the terms “regarding,” “inquiries,” “complaints,” and “governmental regulatory
21 agency.” StarKist further objects to the Request to the extent that it seeks information that
22 is publicly available and/or can be obtained from sources that are more convenient, less
23 burdensome, or less expensive. StarKist further objects to this Request to the extent it
24 seeks information not within the possession, custody, or control of StarKist. StarKist
25 further objects to the Request to the extent that it seeks information protected from
26 discovery by any applicable privilege, immunity, or protection.

27

28

1 **REQUEST FOR PRODUCTION NO. 14**

2 Copies of all Social Media Communications relating to or concerning dolphin
3 safety, fishing methods, and/or responsible sourcing of Your Products from the time the
4 Products were first introduced to the present.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14**

6 StarKist hereby incorporates by reference its General Objections. StarKist further
7 objects to this Request on the grounds, reflected in the Motion, that class certification
8 should be denied without discovery in this Action. StarKist further objects on the basis that
9 this Request is overbroad and unduly burdensome and seeks information that is not
10 proportional to the needs of discovery in this case, particularly in its use of the phrases “all
11 Social Media Communications” and “from the time the Products were first introduced,” and
12 in light of the Discovery Order holding that discovery requests “relating to sustainability
13 should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist
14 further objects to this Request as vague and ambiguous, particularly with respect to the
15 terms “responsible sourcing” and “introduced.” StarKist further objects to the Request to
16 the extent that it seeks information that is publicly available and/or can be obtained from
17 sources that are more convenient, less burdensome, or less expensive. StarKist further
18 objects to this Request to the extent it seeks information not within the possession, custody,
19 or control of StarKist. StarKist further objects to the Request to the extent that it seeks
20 information protected from discovery by any applicable privilege, immunity, or protection.

21 **REQUEST FOR PRODUCTION NO. 15**

22 Exemplars of all sales materials, promotional materials, newsletters, informational
23 publications, and advertisements, including, but not limited to print, radio, internet and
24 television advertisements, and point-of-sale literature which in any way refer to, depict,
25 and/or discuss dolphin safety, tuna fishing methods and procurement, and/or responsible
26 tuna sourcing, including all versions and drafts from the time the Products were first
27 introduced to the present.

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15**

2 StarKist hereby incorporates by reference its General Objections. StarKist further
3 objects to this Request on the grounds, reflected in the Motion, that class certification
4 should be denied without discovery in this Action. StarKist further objects on the basis that
5 this Request is overbroad and unduly burdensome and seeks information that is not
6 proportional to the needs of discovery in this case, particularly in its use of the phrases “all
7 sales materials, promotional materials, newsletters, informational publications, and
8 advertisements,” “in any way refer to, depict, and/or discuss,” “all versions and drafts,” and
9 “from the time the Products were first introduced,” and in light of the Discovery Order
10 holding that discovery requests “relating to sustainability should be narrowed to . . . relate
11 to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague
12 and ambiguous, particularly with respect to the terms “informational publications,”
13 “procurement,” “responsible tuna sourcing,” and “introduced.” StarKist further objects to
14 this Request as cumulative and duplicative of Request No. 14. StarKist further objects to
15 the Request to the extent that it seeks information that is publicly available and/or can be
16 obtained from sources that are more convenient, less burdensome, or less expensive.
17 StarKist further objects to this Request to the extent it seeks information not within the
18 possession, custody, or control of StarKist. StarKist further objects to the Request to the
19 extent that it seeks information protected from discovery by any applicable privilege,
20 immunity, or protection.

21 **REQUEST FOR PRODUCTION NO. 16**

22 All Documents and Communications related to or concerning the design, content,
23 placement and distribution, budget, payment, and return on investment of or for the sales
24 materials, promotional materials, newsletters, informational publications, advertisements,
25 and Social Media Communications produced in response to Request Nos. 14 & 15, without
26 temporal limitation.

27

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16**

2 StarKist hereby incorporates by reference its General Objections. StarKist further
3 objects to this Request on the grounds, reflected in the Motion, that class certification
4 should be denied without discovery in this Action. StarKist further objects on the basis that
5 this Request is overbroad and unduly burdensome and seeks information that is not
6 proportional to the needs of discovery in this case, particularly in its use of the phrases
7 “[a]ll Documents and Communications” and “without temporal limitation.” StarKist
8 further objects to this Request as vague and ambiguous, particularly with respect to the
9 phrases “related to or concerning,” “placement and distribution,” “return on investment,”
10 and “informational publications.” StarKist further objects to this Request as premature to
11 the extent that it calls for expert analysis and/or opinions. StarKist further objects to the
12 Request to the extent that it seeks information that is publicly available and/or can be
13 obtained from sources that are more convenient, less burdensome, or less expensive.
14 StarKist further objects to this Request to the extent it seeks information not within the
15 possession, custody, or control of StarKist. StarKist further objects to the Request to the
16 extent that it seeks information protected from discovery by any applicable privilege,
17 immunity, or protection.

18 **REQUEST FOR PRODUCTION NO. 17**

19 Exemplars of all Product Labels from the time the Products were first introduced to
20 the present, including all versions, drafts, revisions, and information regarding when and
21 where the exemplars were utilized or disseminated.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17**

23 StarKist hereby incorporates by reference its General Objections. StarKist further
24 objects to this Request on the grounds, reflected in the Motion, that class certification
25 should be denied without discovery in this Action. StarKist further objects on the basis that
26 this Request is overbroad and unduly burdensome and seeks information that is not
27 proportional to the needs of discovery in this case, particularly in its use of the phrases “all
28 Product Labels,” “from the time the Products were first introduced,” and “all versions,

1 drafts, revisions.” StarKist further objects to this Request as vague and ambiguous,
 2 particularly with respect to the terms “introduced,” “utilized,” and “disseminated.” StarKist
 3 further objects to the Request to the extent that it seeks information that is publicly
 4 available and/or can be obtained from sources that are more convenient, less burdensome,
 5 or less expensive. StarKist further objects to this Request to the extent it seeks information
 6 not within the possession, custody, or control of StarKist. StarKist further objects to the
 7 Request to the extent that it seeks information protected from discovery by any applicable
 8 privilege, immunity, or protection.

9 **REQUEST FOR PRODUCTION NO. 18**

10 All Documents and Communications related to or concerning the design and content
 11 of the Product Labels, from the time the Products were first introduced to the present,
 12 including, without limitation, the dolphin-safe, sustainability, and tracking information to
 13 be provided on the Label and placement of the dolphin-safe logo on the Label, their font
 14 size and color selection.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18**

16 StarKist hereby incorporates by reference its General Objections. StarKist further
 17 objects to this Request on the grounds, reflected in the Motion, that class certification
 18 should be denied without discovery in this Action. StarKist further objects on the basis that
 19 this Request is overbroad and unduly burdensome and seeks information that is not
 20 proportional to the needs of discovery in this case, particularly in its use of the phrases
 21 “[a]ll Documents and Communications” and “from the time the Products were first
 22 introduced,” and in light of the Discovery Order holding that the “only label at issue in [this
 23 Action] is the dolphin-safe label” and that discovery requests “relating to sustainability
 24 should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist
 25 further objects to this Request as vague and ambiguous, particularly with respect to the
 26 phrase “related to or concerning” and the terms “introduced,” “sustainability,” and
 27 “tracking.” StarKist further objects to the Request to the extent that it seeks information
 28 that is publicly available and/or can be obtained from sources that are more convenient, less

1 burdensome, or less expensive. StarKist further objects to this Request to the extent it
2 seeks information not within the possession, custody, or control of StarKist. StarKist
3 further objects to the Request to the extent that it seeks information protected from
4 discovery by any applicable privilege, immunity, or protection.

5 **REQUEST FOR PRODUCTION NO. 19**

6 All Documents that evidence, memorialize, summarize, analyze, or discuss how to
7 market or advertise Your Products and the return on investment or effectiveness of the
8 marketing and advertising, created at any point from the time the Products were first
9 introduced to the present.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19**

11 StarKist hereby incorporates by reference its General Objections. StarKist further
12 objects to this Request on the grounds, reflected in the Motion, that class certification
13 should be denied without discovery in this Action. StarKist further objects on the basis that
14 this Request is overbroad and unduly burdensome and seeks information that is not
15 proportional to the needs of discovery in this case, particularly in its use of the phrases
16 “[a]ll Documents” and “from the time the Products were first introduced,” and its purported
17 inclusion of marketing and advertising documents without any limitation as to subject
18 matter. StarKist further objects to this Request as vague and ambiguous, particularly with
19 respect to the terms “return on investment,” “effectiveness,” and “introduced.” StarKist
20 further objects to this Request as premature to the extent that it calls for expert analysis
21 and/or opinions. StarKist further objects to this Request as cumulative and duplicative of
22 Request No. 18. StarKist further objects to this Request to the extent it seeks information
23 not within the possession, custody, or control of StarKist. StarKist further objects to the
24 Request to the extent that it seeks information protected from discovery by any applicable
25 privilege, immunity, or protection.

26 **REQUEST FOR PRODUCTION NO. 20**

27 All Documents that evidence, reflect, or relate to any marketing analysis or survey
28 done at any time involving the importance to consumers or retailers of dolphin safety and

1 sustainable sourcing and/or the price consumers are willing to pay for dolphin-safe and
2 sustainably sourced tuna.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20**

4 StarKist hereby incorporates by reference its General Objections. StarKist further
5 objects to this Request on the grounds, reflected in the Motion, that class certification
6 should be denied without discovery in this Action. StarKist further objects on the basis that
7 this Request is overbroad and unduly burdensome and seeks information that is not
8 proportional to the needs of discovery in this case, particularly in its use of the phrases
9 “[a]ll Documents” and “at any time,” and in light of the Discovery Order holding that
10 discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin
11 harm and/or dolphin mortality.” StarKist further objects to this Request as vague and
12 ambiguous, particularly with respect to the terms “importance,” “sustainable sourcing,” and
13 “sustainably sourced.” StarKist further objects to this Request as premature to the extent
14 that it calls for expert analysis and/or opinions. StarKist further objects to the Request to
15 the extent that it seeks information protected from discovery by any applicable privilege,
16 immunity, or protection. StarKist further objects to this Request to the extent it calls for
17 information that is subject to third-party confidentiality restrictions.

18 **REQUEST FOR PRODUCTION NO. 21**

19 All Documents identifying the name, address, and contact person(s) of all retailers
20 of Your Products in the United States, the locations of all stores where they sold Your
21 Products in the United States, and when each store sold Your Products in the United States.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21**

23 StarKist hereby incorporates by reference its General Objections. StarKist further
24 objects to this Request on the grounds, reflected in the Motion, that class certification
25 should be denied without discovery in this Action. StarKist further objects on the basis that
26 this Request is overbroad and unduly burdensome and seeks information that is not
27 proportional to the needs of discovery in this case, particularly in its use of the phrases “all
28 retailers” and “all stores.” StarKist further objects to this Request as vague and ambiguous,

1 particularly with respect to the term “contact person(s).” StarKist further objects to the
2 Request to the extent that it seeks information that is publicly available and/or can be
3 obtained from sources that are more convenient, less burdensome, or less expensive.
4 StarKist further objects to this Request to the extent it seeks information not within the
5 possession, custody, or control of StarKist. StarKist further objects to the Request to the
6 extent that it seeks information protected from discovery by any applicable privilege,
7 immunity, or protection.

8 **REQUEST FOR PRODUCTION NO. 22**

9 All Documents and Communications with retailers related to or concerning dolphin
10 safety, tuna sourcing methods, sustainability, FADs, and substantiation of the Products’
11 Label representations.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22**

13 StarKist hereby incorporates by reference its General Objections. StarKist further
14 objects to this Request on the grounds, reflected in the Motion, that class certification
15 should be denied without discovery in this Action. StarKist further objects on the basis that
16 this Request is overbroad and unduly burdensome and seeks information that is not
17 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
18 Documents and Communications,” and in light of the Discovery Order holding that
19 discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin
20 harm and/or dolphin mortality.” StarKist further objects to this Request as vague and
21 ambiguous, particularly with respect to the phrases “Documents . . . with” and “related to or
22 concerning,” and the terms “tuna sourcing methods,” “sustainability,” and “substantiation.”
23 StarKist further objects to the Request to the extent that it seeks information that is publicly
24 available and/or can be obtained from sources that are more convenient, less burdensome,
25 or less expensive. StarKist further objects to this Request to the extent it seeks information
26 not within the possession, custody, or control of StarKist. StarKist further objects to the
27 Request to the extent that it seeks information protected from discovery by any applicable
28 privilege, immunity, or protection.

1 **REQUEST FOR PRODUCTION NO. 23**

2 All Documents identifying each shipment of Your Products to retailers or third party
3 distributors for sale to U.S. consumers, including:
4 1. The name and address of the recipient;
5 2. The total number of units of each Product shipped;
6 3. The Wholesale Price, SKU, UPC, and MSRP of each Product shipped; and
7 4. The amount of any rebate on each Product shipped.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23**

9 StarKist hereby incorporates by reference its General Objections. StarKist further
10 objects to this Request on the grounds, reflected in the Motion, that class certification
11 should be denied without discovery in this Action. StarKist further objects on the basis that
12 this Request is overbroad and unduly burdensome and seeks information that is not
13 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
14 Documents.” StarKist further objects to this Request as vague and ambiguous, particularly
15 with respect to the phrase “for sale to U.S. consumers” and the term “rebate.” StarKist
16 further objects to the Request to the extent that it seeks information that is publicly
17 available and/or can be obtained from sources that are more convenient, less burdensome,
18 or less expensive. StarKist further objects to this Request to the extent it seeks information
19 not within the possession, custody, or control of StarKist. StarKist further objects to the
20 Request to the extent that it seeks information protected from discovery by any applicable
21 privilege, immunity, or protection. StarKist further objects to this Request to the extent it
22 calls for information that is subject to third-party confidentiality restrictions.

23 **REQUEST FOR PRODUCTION NO. 24**

24 All Documents identifying separately by state and on a monthly basis the total
25 number of units, SKUs, and UPCs, of each Product distributed for retail sale and the Net
26 Sales amount You received from sales of each Product.

27

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24**

2 StarKist hereby incorporates by reference its General Objections. StarKist further
3 objects to this Request on the grounds, reflected in the Motion, that class certification
4 should be denied without discovery in this Action. StarKist further objects on the basis that
5 this Request is overbroad and unduly burdensome and seeks information that is not
6 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
7 Documents.” StarKist further objects to this Request as vague and ambiguous, particularly
8 with respect to the phrase “distributed for retail sale.” StarKist further objects to the
9 Request to the extent that it seeks information that is publicly available and/or can be
10 obtained from sources that are more convenient, less burdensome, or less expensive.
11 StarKist further objects to this Request to the extent it seeks information not within the
12 possession, custody, or control of StarKist. StarKist further objects to the Request to the
13 extent that it seeks information protected from discovery by any applicable privilege,
14 immunity, or protection.

15 **REQUEST FOR PRODUCTION NO. 25**

16 All Documents identifying separately by state and on a monthly basis the total
17 number of units, SKUs, and UPCs, of each Product returned to You by retailers, third party
18 distributors or consumers.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25**

20 StarKist hereby incorporates by reference its General Objections. StarKist further
21 objects to this Request on the grounds, reflected in the Motion, that class certification
22 should be denied without discovery in this Action. StarKist further objects on the basis that
23 this Request is overbroad and unduly burdensome and seeks information that is not
24 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
25 Documents.” StarKist further objects to this Request as vague and ambiguous, particularly
26 with respect to the term “returned.” StarKist further objects to the Request to the extent
27 that it seeks information that is publicly available and/or can be obtained from sources that
28 are more convenient, less burdensome, or less expensive. StarKist further objects to this

1 Request to the extent it seeks information not within the possession, custody, or control of
2 StarKist. StarKist further objects to the Request to the extent that it seeks information
3 protected from discovery by any applicable privilege, immunity, or protection.

4 **REQUEST FOR PRODUCTION NO. 26**

5 All Documents received from retailers, IRI, or Nielsen which refer to or concern the
6 pricing, Revenue, and/or sales of any of the Products.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26**

8 StarKist hereby incorporates by reference its General Objections. StarKist further
9 objects to this Request on the grounds, reflected in the Motion, that class certification
10 should be denied without discovery in this Action. StarKist further objects on the basis that
11 this Request is overbroad and unduly burdensome and seeks information that is not
12 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
13 Documents.” StarKist further objects to this Request as vague and ambiguous, particularly
14 with respect to the term “concern.” StarKist further objects to this Request as cumulative
15 and duplicative of Request No. 24. StarKist further objects to the Request to the extent that
16 it seeks information that is publicly available and/or can be obtained from sources that are
17 more convenient, less burdensome, or less expensive. StarKist further objects to the
18 Request to the extent that it seeks information protected from discovery by any applicable
19 privilege, immunity, or protection. StarKist further objects to this Request to the extent it
20 calls for information that is subject to third-party confidentiality restrictions.

21 **REQUEST FOR PRODUCTION NO. 27**

22 All Documents and Communications relating to or concerning the price premium,
23 dollar value, or Product-associated cost of the dolphin-safe guarantee and/or sustainable
24 sourcing.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27**

26 StarKist hereby incorporates by reference its General Objections. StarKist further
27 objects to this Request on the grounds, reflected in the Motion, that class certification
28 should be denied without discovery in this Action. StarKist further objects on the basis that

1 this Request is overbroad and unduly burdensome and seeks information that is not
2 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
3 Documents and Communications” and in light of the Discovery Order holding that
4 discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin
5 harm and/or dolphin mortality.” StarKist further objects to this Request as vague and
6 ambiguous, particularly with respect to the phrase “relating to or concerning” and the terms
7 “price premium,” “Product-associated cost,” “sustainable sourcing.” StarKist further
8 objects to this Request as premature to the extent that it calls for expert analysis and/or
9 opinions. StarKist further objects to the Request to the extent that it seeks information
10 protected from discovery by any applicable privilege, immunity, or protection.

11 **REQUEST FOR PRODUCTION NO. 28**

12 All Documents and Communications relating to the use of FADs in procuring tuna
13 in Your Products.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28**

15 StarKist hereby incorporates by reference its General Objections. StarKist further
16 objects to this Request on the grounds, reflected in the Motion, that class certification
17 should be denied without discovery in this Action. StarKist further objects on the basis that
18 this Request is overbroad and unduly burdensome and seeks information that is not
19 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
20 Documents and Communications” and its purported inclusion of documents unrelated to
21 dolphin harm and/or dolphin mortality. StarKist further objects to this Request as vague
22 and ambiguous, particularly with respect to the terms “use” and “procuring.” StarKist
23 further objects to the Request to the extent that it seeks information that is publicly
24 available and/or can be obtained from sources that are more convenient, less burdensome,
25 or less expensive. StarKist further objects to the Request to the extent that it seeks
26 information protected from discovery by any applicable privilege, immunity, or protection.

27

28

1 **REQUEST FOR PRODUCTION NO. 29**

2 All Documents or Communications that refer to or discuss any meeting,
3 Communication, or agreement with Tri-Union Seafoods, LLC (dba Chicken of the Sea
4 International, Inc.) or Bumble Bee Foods, LLC concerning the marketing, Advertising,
5 packing or co-packing, fishing methods, use or non-use of FADs, dolphin safety, or sale of
6 Your Products, including, without limitation, the February 2012 agreement with Bumble
7 Bee Foods, LLC and Tri-Union Seafoods, LLC (dba Chicken of the Sea International, Inc.)
8 to not sell a branded FAD-free tuna product in the U.S. and the May 31, 2012 statement
9 issued through the NFI on behalf of Bumble Bee, Chicken of the Sea, and StarKist.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29**

11 StarKist hereby incorporates by reference its General Objections. StarKist further
12 objects to this Request on the grounds, reflected in the Motion, that class certification
13 should be denied without discovery in this Action. StarKist further objects on the basis that
14 this Request is overbroad and unduly burdensome and seeks information that is not
15 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
16 Documents or Communications” and its purported inclusion of documents unrelated to
17 dolphin harm and/or dolphin mortality. StarKist further objects to this Request as vague
18 and ambiguous, particularly with respect to the terms “concerning,” “agreement,” and
19 “packing or co-packing.” StarKist further objects to the Request to the extent that it seeks
20 information that is publicly available and/or can be obtained from sources that are more
21 convenient, less burdensome, or less expensive. StarKist further objects to this Request to
22 the extent it seeks information not within the possession, custody, or control of StarKist.
23 StarKist further objects to the Request to the extent that it seeks information protected from
24 discovery by any applicable privilege, immunity, or protection.

25 **REQUEST FOR PRODUCTION NO. 30**

26 All Documents referring or relating to Your Communications with EII and/or MSC
27 regarding dolphin safety and/or sustainability standards and their respective organization’s
28 sustainability requirements.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30**

2 StarKist hereby incorporates by reference its General Objections. StarKist further
3 objects to this Request on the grounds, reflected in the Motion, that class certification
4 should be denied without discovery in this Action. StarKist further objects on the basis that
5 this Request is overbroad and unduly burdensome and seeks information that is not
6 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
7 Documents” and in light of the Discovery Order holding that discovery requests “relating to
8 sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.”
9 StarKist further objects to this Request as vague and ambiguous, particularly with respect to
10 the terms “relating,” “sustainability standards,” and “sustainability requirements.” StarKist
11 further objects to the Request to the extent that it seeks information that is publicly
12 available and/or can be obtained from sources that are more convenient, less burdensome,
13 or less expensive. StarKist further objects to this Request to the extent it seeks information
14 not within the possession, custody, or control of StarKist. StarKist further objects to the
15 Request to the extent that it seeks information protected from discovery by any applicable
16 privilege, immunity, or protection.

17 **REQUEST FOR PRODUCTION NO. 31**

18 All Documents and Communications which refer to or concern Your use of the EII
19 Dolphin-Safe Logo or Your decision not to use the dolphin-safe mark codified at 50 C.F.R.
20 § 216.95, including, without limitation, Documents and Communications concerning:

21 1. Your authorization to use the logo;
22 2. Your application to use the logo, including all supporting Documents;
23 3. EII Dolphin-Safe Logo eligibility standards;
24 4. Inspections or audits by EII and the results thereof, including captain’s
25 statements and other documents supplied to EII in the course of its
26 inspections or audits;
27 5. EII dolphin safety verification requirements; and

28

1 6. Your compliance with and/or violation of EII Dolphin-Safe Logo standards
2 and requirements.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31**

4 StarKist hereby incorporates by reference its General Objections. StarKist further
5 objects to this Request on the grounds, reflected in the Motion, that class certification
6 should be denied without discovery in this Action. StarKist further objects on the basis that
7 this Request is overbroad and unduly burdensome and seeks information that is not
8 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
9 Documents or Communications.” StarKist further objects to this Request as vague and
10 ambiguous, particularly with respect to the terms “use,” “authorization,” “application,”
11 “eligibility standards,” “verification requirements,” and “standards and requirements.”
12 StarKist further objects to the defined term “EII Dolphin Safe Logo” as vague, ambiguous,
13 and nonsensical in its use of the word “EII.” StarKist further objects to this Request as
14 cumulative and duplicative of Request No. 30. StarKist further objects to the Request to
15 the extent that it seeks information that is publicly available and/or can be obtained from
16 sources that are more convenient, less burdensome, or less expensive. StarKist further
17 objects to this Request to the extent it seeks information not within the possession, custody,
18 or control of StarKist. StarKist further objects to the Request to the extent that it seeks
19 information protected from discovery by any applicable privilege, immunity, or protection.

20 **REQUEST FOR PRODUCTION NO. 32**

21 All Documents and Communications relating to Your membership in the ISSF.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32**

23 StarKist hereby incorporates by reference its General Objections. StarKist further
24 objects to this Request on the grounds, reflected in the Motion, that class certification
25 should be denied without discovery in this Action. StarKist further objects on the basis that
26 this Request is overbroad and unduly burdensome and seeks information that is not
27 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
28 Documents or Communications” and its purported inclusion of documents unrelated to

1 dolphin harm and/or dolphin mortality. StarKist further objects to this Request as vague
2 and ambiguous, particularly with respect to the term “membership.” StarKist further
3 objects to the Request to the extent that it seeks information that is publicly available and/or
4 can be obtained from sources that are more convenient, less burdensome, or less expensive.
5 StarKist further objects to this Request to the extent it seeks information not within the
6 possession, custody, or control of StarKist. StarKist further objects to the Request to the
7 extent that it seeks information protected from discovery by any applicable privilege,
8 immunity, or protection.

9 **REQUEST FOR PRODUCTION NO. 33**

10 Documents sufficient to show all money You paid to ISSF, MSC, NFI, or EII. This
11 includes, without limitation, all money paid as a result of membership dues, assessments,
12 fees, special projects, lobbying, and the like, as well as any money voluntarily paid or
13 donated to them.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33**

15 StarKist hereby incorporates by reference its General Objections. StarKist further
16 objects to this Request on the grounds, reflected in the Motion, that class certification
17 should be denied without discovery in this Action. StarKist further objects on the basis that
18 this Request is overbroad and unduly burdensome and seeks information that is not
19 proportional to the needs of discovery in this case, particularly in its use of the phrase “all
20 money” and its purported inclusion of documents unrelated to dolphin harm and/or dolphin
21 mortality. StarKist further objects to this Request as vague and ambiguous, particularly
22 with respect to the terms “special projects” and “the like.” StarKist further objects to this
23 Request as cumulative and duplicative of Request No. 32. StarKist further objects to the
24 Request to the extent that it seeks information that is publicly available and/or can be
25 obtained from sources that are more convenient, less burdensome, or less expensive.
26 StarKist further objects to this Request to the extent it seeks information not within the
27 possession, custody, or control of StarKist. StarKist further objects to the Request to the
28

1 extent that it seeks information protected from discovery by any applicable privilege,
2 immunity, or protection.

3 **REQUEST FOR PRODUCTION NO. 34**

4 All Documents or Communications with Greenpeace, Sea Shepherd, WWF, or any
5 other Non-Governmental Organization regarding dolphins or tuna.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34**

7 StarKist hereby incorporates by reference its General Objections. StarKist further
8 objects to this Request on the grounds, reflected in the Motion, that class certification
9 should be denied without discovery in this Action. StarKist further objects on the basis that
10 this Request is overbroad and unduly burdensome and seeks information that is not
11 proportional to the needs of discovery in this case, particularly in its use of the phrases
12 “[a]ll Documents or Communications” and “any other Non-Governmental Organization,”
13 and its purported inclusion of documents unrelated to dolphin harm and/or dolphin
14 mortality. StarKist further objects to this Request as vague and ambiguous, particularly
15 with respect to the undefined terms “Greenpeace,” “Sea Shepherd,” and “Non-
16 Governmental Organization.” StarKist further objects to this Request as cumulative and
17 duplicative of Request Nos. 30, 31, 32, and 33. StarKist further objects to the Request to
18 the extent that it seeks information that is publicly available and/or can be obtained from
19 sources that are more convenient, less burdensome, or less expensive. StarKist further
20 objects to this Request to the extent it seeks information not within the possession, custody,
21 or control of StarKist. StarKist further objects to the Request to the extent that it seeks
22 information protected from discovery by any applicable privilege, immunity, or protection.

23 **REQUEST FOR PRODUCTION NO. 35**

24 All Documents and Communications with the PNA or Pacifical relating to
25 sustainably caught tuna or tuna Products, including communications from EII regarding
26 tuna sourced from PNA waters or by Pacifical.

27

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35**

2 StarKist hereby incorporates by reference its General Objections. StarKist further
3 objects to this Request on the grounds, reflected in the Motion, that class certification
4 should be denied without discovery in this Action. StarKist further objects on the basis that
5 this Request is overbroad and unduly burdensome and seeks information that is not
6 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
7 Documents and Communications” and in light of the Discovery Order holding that
8 discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin
9 harm and/or dolphin mortality.” StarKist further objects to this Request as vague and
10 ambiguous, particularly with respect to the phrase “Documents . . . with” and the terms
11 “Pacifical,” “sustainably caught,” “sourced,” and “PNA waters.” StarKist further objects to
12 this Request as cumulative and duplicative of Request No. 34. StarKist further objects to
13 the Request to the extent that it seeks information that is publicly available and/or can be
14 obtained from sources that are more convenient, less burdensome, or less expensive.
15 StarKist further objects to this Request to the extent it seeks information not within the
16 possession, custody, or control of StarKist. StarKist further objects to the Request to the
17 extent that it seeks information protected from discovery by any applicable privilege,
18 immunity, or protection.

19 **REQUEST FOR PRODUCTION NO. 36**

20 All Documents and Communications that involve the relationship between EII and
21 MSC, or disputes between them, regarding their labels and certifications for tuna Products.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36**

23 StarKist hereby incorporates by reference its General Objections. StarKist further
24 objects to this Request on the grounds, reflected in the Motion, that class certification
25 should be denied without discovery in this Action. StarKist further objects on the basis that
26 this Request is overbroad and unduly burdensome and seeks information that is not
27 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
28 Documents and Communications” and in light of the Discovery Order holding that the

1 “only label at issue in [this Action] is the dolphin-safe label.” StarKist further objects to
2 this Request as vague and ambiguous, particularly with respect to the terms “involve,”
3 “relationship,” “disputes,” “labels,” and “certifications.” StarKist further objects to this
4 Request as cumulative and duplicative of Request No. 34. StarKist further objects to the
5 Request to the extent that it seeks information that is publicly available and/or can be
6 obtained from sources that are more convenient, less burdensome, or less expensive.
7 StarKist further objects to this Request to the extent it seeks information not within the
8 possession, custody, or control of StarKist. StarKist further objects to the Request to the
9 extent that it seeks information protected from discovery by any applicable privilege,
10 immunity, or protection.

11 **REQUEST FOR PRODUCTION NO. 37**

12 All Documents related to or concerning how and why the dolphin-safe logo on Your
13 Products was selected, from the time the Products were first introduced to the present.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37**

15 StarKist hereby incorporates by reference its General Objections. StarKist further
16 objects to this Request on the grounds, reflected in the Motion, that class certification
17 should be denied without discovery in this Action. StarKist further objects on the basis that
18 this Request is overbroad and unduly burdensome and seeks information that is not
19 proportional to the needs of discovery in this case, particularly in its use of the phrases
20 “[a]ll Documents and Communications” and “from the time the Products were first
21 introduced.” StarKist further objects to this Request as vague and ambiguous, particularly
22 with respect to the phrase “related to or concerning” and the terms “selected,” and
23 “introduced.” StarKist further objects to this Request as cumulative and duplicative of
24 Request Nos. 18, 19, 20, and 22. StarKist further objects to the Request to the extent that it
25 seeks information that is publicly available and/or can be obtained from sources that are
26 more convenient, less burdensome, or less expensive. StarKist further objects to this
27 Request to the extent it seeks information not within the possession, custody, or control of
28

1 StarKist. StarKist further objects to the Request to the extent that it seeks information
2 protected from discovery by any applicable privilege, immunity, or protection.

3 **REQUEST FOR PRODUCTION NO. 38**

4 All Documents and Communications with ISSF, EII, WWF, NFI, or any other Non-
5 Governmental Organization regarding dolphin safety, sustainable tuna fishing methods and
6 procurement, tuna traceability, FADs, and Bycatch.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38**

8 StarKist hereby incorporates by reference its General Objections. StarKist further
9 objects to this Request on the grounds, reflected in the Motion, that class certification
10 should be denied without discovery in this Action. StarKist further objects on the basis that
11 this Request is overbroad and unduly burdensome and seeks information that is not
12 proportional to the needs of discovery in this case, particularly in its use of the phrases
13 “[a]ll Documents and Communications” and “any other Non-Governmental Organization,”
14 and in light of the Discovery Order holding that discovery requests “relating to
15 sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.”
16 StarKist further objects to this Request as vague and ambiguous, particularly with respect to
17 the phrase “Documents . . . with” and the terms “Non-Governmental Organization,”
18 “sustainable,” “procurement,” and “traceability.” StarKist further objects to this Request as
19 cumulative and duplicative of Request No. 34. StarKist further objects to the Request to
20 the extent that it seeks information that is publicly available and/or can be obtained from
21 sources that are more convenient, less burdensome, or less expensive. StarKist further
22 objects to this Request to the extent it seeks information not within the possession, custody,
23 or control of StarKist. StarKist further objects to the Request to the extent that it seeks
24 information protected from discovery by any applicable privilege, immunity, or protection.

25 **REQUEST FOR PRODUCTION NO. 39**

26 All Documents and Communications, from the time your Products were first
27 introduced, relating to sustainability and dolphin-safe fishing standards, certifications, and
28

1 labels set by industry groups, committees, and organizations, including but not limited to
2 EII, MSC, ISSF, and NFI.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39**

4 StarKist hereby incorporates by reference its General Objections. StarKist further
5 objects to this Request on the grounds, reflected in the Motion, that class certification
6 should be denied without discovery in this Action. StarKist further objects on the basis that
7 this Request is overbroad and unduly burdensome and seeks information that is not
8 proportional to the needs of discovery in this case, particularly in its use of the phrases
9 “[a]ll Documents and Communications” and “from the time your Products were first
10 introduced,” and in light of the Discovery Order holding that discovery requests “relating to
11 sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.”
12 StarKist further objects to this Request as vague and ambiguous, particularly with respect to
13 the terms “introduced,” “relating,” “sustainability,” “standards,” “certifications,” and
14 “industry groups, committees, and organizations.” StarKist further objects to this Request
15 as cumulative and duplicative of Request No. 34. StarKist further objects to the Request to
16 the extent that it seeks information that is publicly available and/or can be obtained from
17 sources that are more convenient, less burdensome, or less expensive. StarKist further
18 objects to this Request to the extent it seeks information not within the possession, custody,
19 or control of StarKist. StarKist further objects to the Request to the extent that it seeks
20 information protected from discovery by any applicable privilege, immunity, or protection.

21 **REQUEST FOR PRODUCTION NO. 40**

22 All Documents and Communications, from the time the Products were first
23 introduced to the present, which refer or relate to Your dolphin-safe and/or sustainability
24 policies and practices, including, without limitation, Documents and Communications
25 concerning:

26 1. Your dolphin-safe policy;
27 2. Your sustainability policy;

28

- 1 3. Minutes of Committee meetings having to do with dolphin safety or
- 2 sustainability; and
- 3 4. Any sustainability reports.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40**

5 StarKist hereby incorporates by reference its General Objections. StarKist further
6 objects to this Request on the grounds, reflected in the Motion, that class certification
7 should be denied without discovery in this Action. StarKist further objects on the basis that
8 this Request is overbroad and unduly burdensome and seeks information that is not
9 proportional to the needs of discovery in this case, particularly in its use of the phrases
10 “[a]ll Documents and Communications” and “from the time the Products were first
11 introduced,” and in light of the Discovery Order holding that discovery requests “relating to
12 sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.”
13 StarKist further objects to this Request as vague and ambiguous, particularly with respect to
14 the terms “sustainability” and “Committee meetings.” StarKist further objects to the
15 Request to the extent that it seeks information that is publicly available and/or can be
16 obtained from sources that are more convenient, less burdensome, or less expensive.
17 StarKist further objects to the Request to the extent that it seeks information protected from
18 discovery by any applicable privilege, immunity, or protection.

19 **REQUEST FOR PRODUCTION NO. 41**

20 All Documents and Communications which refer or relate to the software, program,
21 and other methods You use to track the chain-of-custody of Your tuna and verify its
22 dolphin-safe and sustainable procurement, including, without limitation, any in-house
23 digital supply chain mapping system.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41**

25 StarKist hereby incorporates by reference its General Objections. StarKist further
26 objects to this Request on the grounds, reflected in the Motion, that class certification
27 should be denied without discovery in this Action. StarKist further objects on the basis that
28 this Request is overbroad and unduly burdensome and seeks information that is not

1 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
 2 Documents and Communications” and in light of the Discovery Order holding that
 3 discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin
 4 harm and/or dolphin mortality.” StarKist further objects to this Request as vague and
 5 ambiguous, particularly with respect to the terms “relate,” “other methods,” “sustainable,”
 6 “procurement,” and “digital supply chain mapping system.” StarKist further objects to the
 7 Request to the extent that it seeks information that is publicly available and/or can be
 8 obtained from sources that are more convenient, less burdensome, or less expensive.
 9 StarKist further objects to the Request to the extent that it seeks information protected from
 10 discovery by any applicable privilege, immunity, or protection.

11 REQUEST FOR PRODUCTION NO. 42

12 All Documents referring or relating to content published on Your Website from the
 13 time the Products were first introduced to the present concerning dolphin safety, tuna
 14 fishing methods and procurement, sustainable sourcing, FADs, Bycatch, and traceability.

15 RESPONSE TO REQUEST FOR PRODUCTION NO. 42

16 StarKist hereby incorporates by reference its General Objections. StarKist further
 17 objects to this Request on the grounds, reflected in the Motion, that class certification
 18 should be denied without discovery in this Action. StarKist further objects on the basis that
 19 this Request is overbroad and unduly burdensome and seeks information that is not
 20 proportional to the needs of discovery in this case, particularly in its use of the phrases
 21 “[a]ll Documents” and “from the time the Products were first introduced,” and in light of
 22 the Discovery Order holding that discovery requests “relating to sustainability should be
 23 narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects
 24 to this Request as vague and ambiguous, particularly with respect to the terms “relating,”
 25 “introduced,” “procurement,” “sustainable sourcing,” and “traceability.” StarKist further
 26 objects to the Request to the extent that it seeks information that is publicly available and/or
 27 can be obtained from sources that are more convenient, less burdensome, or less expensive.

28

1 StarKist further objects to the Request to the extent that it seeks information protected from
2 discovery by any applicable privilege, immunity, or protection.

3 **REQUEST FOR PRODUCTION NO. 43**

4 All Documents relating to Communications with consumers regarding dolphin
5 safety, tuna fishing methods and procurement, sustainable sourcing, FADs, Bycatch,
6 traceability, and this lawsuit from the time the Products were first introduced to the present,
7 including, without limitation, calls received on Your consumer help line.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43**

9 StarKist hereby incorporates by reference its General Objections. StarKist further
10 objects to this Request on the grounds, reflected in the Motion, that class certification
11 should be denied without discovery in this Action. StarKist further objects on the basis that
12 this Request is overbroad and unduly burdensome and seeks information that is not
13 proportional to the needs of discovery in this case, particularly in its use of the phrases
14 “[a]ll Documents” and “from the time the Products were first introduced,” and in light of
15 the Discovery Order holding that discovery requests “relating to sustainability should be
16 narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects
17 to this Request as vague and ambiguous, particularly with respect to the terms “relating,”
18 “procurement,” “sustainable sourcing,” “traceability,” and “introduced.” StarKist further
19 objects to the Request to the extent that it seeks information protected from discovery by
20 any applicable privilege, immunity, or protection.

21 **REQUEST FOR PRODUCTION NO. 44**

22 All Documents which You contend support any affirmative defense that You
23 believe You have or will be asserting.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44**

25 StarKist hereby incorporates by reference its General Objections. StarKist further
26 objects to this Request on the grounds, reflected in the Motion, that class certification
27 should be denied without discovery in this Action. StarKist further objects on the basis that
28 this Request is overbroad and unduly burdensome and seeks information that is not

1 proportional to the needs of discovery in this case, particularly in its use of the phrases
2 “[a]ll Documents” and “any affirmative defense.” StarKist further objects to this Request
3 as vague and ambiguous, particularly with respect to the phrase “You believe You have or
4 will be asserting.” StarKist further objects to this Request as premature to the extent that it
5 calls for expert analysis and/or opinions. StarKist further objects to the Request to the
6 extent that it seeks information that is publicly available and/or can be obtained from
7 sources that are more convenient, less burdensome, or less expensive. StarKist further
8 objects to the Request to the extent that it seeks information protected from discovery by
9 any applicable privilege, immunity, or protection.

10 **REQUEST FOR PRODUCTION NO. 45**

11 All Documents relating to your policies and procedures with respect to the retention
12 or destruction of documents.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45**

14 StarKist hereby incorporates by reference its General Objections. StarKist further
15 objects to this Request on the grounds, reflected in the Motion, that class certification
16 should be denied without discovery in this Action. StarKist further objects on the basis that
17 this Request is overbroad and unduly burdensome and seeks information that is not
18 proportional to the needs of discovery in this case, particularly in its use of the phrases
19 “[a]ll Documents.” StarKist further objects to this Request as vague and ambiguous,
20 particularly with respect to the term “relating.” StarKist further objects to the Request to
21 the extent that it seeks information protected from discovery by any applicable privilege,
22 immunity, or protection.

23 **REQUEST FOR PRODUCTION NO. 46**

24 All organizational and management charts reflecting the structure of Your company,
25 including the organization, structure and business operations of each subsidiary, affiliate,
26 division, department, unit, subdivision, committee, subcommittee, task force, working
27 group, or other formal or informal group or business unit involved in the procurement
28

1 (including fishing), purchase, tracking, packing, verification, design, marketing,
2 advertising, pricing, or sale of Your Products.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46**

4 StarKist hereby incorporates by reference its General Objections. StarKist further
5 objects to this Request on the grounds, reflected in the Motion, that class certification
6 should be denied without discovery in this Action. StarKist further objects on the basis that
7 this Request is overbroad and unduly burdensome and seeks information that is not
8 proportional to the needs of discovery in this case, particularly in its use of the phrases
9 “[a]ll organizational and management charts” and “each subsidiary, affiliate, division,
10 department, unit, subdivision, committee, subcommittee, task force, working group, or
11 other formal or informal group or business unit.” StarKist further objects to this Request as
12 vague and ambiguous, particularly with respect to the phrase “formal or informal group or
13 business unit” and the terms “involved,” “procurement,” “tracking,” “packing,” and
14 “verification.” StarKist further objects to this definition to the extent it seeks information
15 from Dongwon Industries Co. Ltd., which has been dismissed from this Action with
16 prejudice. StarKist further objects to the Request to the extent that it seeks information that
17 is publicly available and/or can be obtained from sources that are more convenient, less
18 burdensome, or less expensive. StarKist further objects to this Request to the extent it
19 seeks information not within the possession, custody, or control of StarKist. StarKist
20 further objects to the Request to the extent that it seeks information protected from
21 discovery by any applicable privilege, immunity, or protection.

22 **REQUEST FOR PRODUCTION NO. 47**

23 All Documents relating to or concerning the identity, job title(s), duties, and
24 reporting relationships of all officers, Employees, and independent contractors of Your
25 company who had any authority, input, responsibilities, or other involvement with any of
26 the following subjects:

27 1. sourcing the Products, including fishing;
28 2. purchasing the tuna in the Products;

1 3. Labeling the Products;
 2 4. tracking the Products;
 3 5. packing the Products;
 4 6. verifying the Products are dolphin-safe;
 5 7. distributing the Products;
 6 8. marketing the Products;
 7 9. pricing the Products;
 8 10. receiving, investigating, and/or responding to customer complaints or
 9 inquiries regarding the Products; and
 10 11. serving on, or participating or providing input to, governmental entities or
 11 industry or regional groups, committees, or organization concerning the
 12 Products, sustainable fishing practices, and dolphin-safe certification,
 13 standards and labels, including, without limitation, the Department of
 14 Commerce, the United States Federal Trade Commission, the Food and Drug
 15 Administration, EII, MSC, ISSF, and NFI.

16 RESPONSE TO REQUEST FOR PRODUCTION NO. 47

17 StarKist hereby incorporates by reference its General Objections. StarKist further
 18 objects to this Request on the grounds, reflected in the Motion, that class certification
 19 should be denied without discovery in this Action. StarKist further objects on the basis that
 20 this Request is overbroad and unduly burdensome and seeks information that is not
 21 proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll
 22 Documents,” in its purported inclusion of subjects unrelated to any issue in the Action, and
 23 in light of the Discovery Order holding that discovery requests “relating to sustainability
 24 should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist
 25 further objects to this Request as vague and ambiguous, particularly with respect to the
 26 phrase “relating to or concerning” and the terms “identity,” “authority,” “input,”
 27 “responsibilities,” “involvement,” “sourcing,” “tracking,” “governmental entities,”
 28 “industry or regional groups,” “committees, “organization,” “sustainable,” “certification,”

1 and “standards.” StarKist further objects to the Request to the extent that it seeks
2 information that is publicly available and/or can be obtained from sources that are more
3 convenient, less burdensome, or less expensive. StarKist further objects to the Request to
4 the extent that it seeks information protected from discovery by any applicable privilege,
5 immunity, or protection. StarKist further objects to this Request to the extent it calls for
6 information that is subject to third-party confidentiality restrictions. StarKist further objects
7 to this Request to the extent it seeks confidential personnel information.

8 **REQUEST FOR PRODUCTION NO. 48**

9 Documents sufficient to identify by name and address the canneries and processing
10 facilities for Your Products and dates utilized by You.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48**

12 StarKist hereby incorporates by reference its General Objections. StarKist further
13 objects to this Request on the grounds, reflected in the Motion, that class certification
14 should be denied without discovery in this Action. StarKist further objects on the basis that
15 this Request is overbroad and unduly burdensome and seeks information that is not
16 proportional to the needs of discovery in this case. StarKist further objects to this Request
17 as vague and ambiguous, particularly with respect to the terms “processing facilities” and
18 “utilized.” StarKist further objects to the Request to the extent that it seeks information that
19 is publicly available and/or can be obtained from sources that are more convenient, less
20 burdensome, or less expensive. StarKist further objects to the Request to the extent that it
21 seeks information protected from discovery by any applicable privilege, immunity, or
22 protection.

23 **REQUEST FOR PRODUCTION NO. 49**

24 All Documents and Communications relating to or concerning the services
25 Dongwon performs for You.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49**

27 StarKist hereby incorporates by reference its General Objections. StarKist further
28 objects to this Request on the grounds, reflected in the Motion, that class certification

1 should be denied without discovery in this Action. StarKist further objects on the basis that
 2 this Request is overbroad and unduly burdensome and seeks information that is not
 3 proportional to the needs of discovery in this case, particularly in its use of the phrase “[all
 4 Documents and Communications” and in its purported inclusion of services unrelated to
 5 any issue in the Action. StarKist further objects to this Request as vague and ambiguous,
 6 particularly with respect to the terms “services” and “performs.” StarKist further objects to
 7 this definition to the extent it seeks information from Dongwon Industries Co. Ltd., which
 8 has been dismissed from this Action with prejudice. StarKist further objects to the Request
 9 to the extent that it seeks information that is publicly available and/or can be obtained from
 10 sources that are more convenient, less burdensome, or less expensive. StarKist further
 11 objects to this Request to the extent it seeks information not within the possession, custody,
 12 or control of StarKist. StarKist further objects to the Request to the extent that it seeks
 13 information protected from discovery by any applicable privilege, immunity, or protection.

14 **REQUEST FOR PRODUCTION NO. 50**

15 All Documents and Communications between You and Dongwon regarding dolphin
 16 safety, sustainable sourcing of tuna, Bycatch, FADs, fishing methods, pricing of U.S. tuna
 17 products, and suppliers of U.S. tuna products.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50**

19 StarKist hereby incorporates by reference its General Objections. StarKist further
 20 objects to this Request on the grounds, reflected in the Motion, that class certification
 21 should be denied without discovery in this Action. StarKist further objects on the basis that
 22 this Request is overbroad and unduly burdensome and seeks information that is not
 23 proportional to the needs of discovery in this case, particularly in its use of the phrase “[all
 24 Documents and Communications” and in light of the Discovery Order holding that
 25 discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin
 26 harm and/or dolphin mortality.” StarKist further objects to this Request as vague and
 27 ambiguous, particularly with respect to the phrase “Documents . . . between” and the terms
 28 “sustainable sourcing” and “suppliers.” StarKist further objects to this definition to the

1 extent it seeks information from Dongwon Industries Co. Ltd., which has been dismissed
2 from this Action with prejudice. StarKist further objects to this Request to the extent it
3 seeks information not within the possession, custody, or control of StarKist. StarKist
4 further objects to the Request to the extent that it seeks information protected from
5 discovery by any applicable privilege, immunity, or protection.

6 **REQUEST FOR PRODUCTION NO. 51**

7 All Documents identifying any consumers who purchased Your Products, including
8 all names, email, mailing, and/or street addresses, and any information regarding their
9 specific purchases of your Products.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51**

11 StarKist hereby incorporates by reference its General Objections. StarKist further
12 objects to this Request on the grounds, reflected in the Motion, that class certification
13 should be denied without discovery in this Action. StarKist further objects on the basis that
14 this Request is overbroad and unduly burdensome and seeks information that is not
15 proportional to the needs of discovery in this case, particularly in its use of the phrases
16 “[a]ll Documents,” “any consumers,” and “any information.” StarKist further objects to
17 this Request as vague and ambiguous, particularly with respect to the terms “identifying”
18 and “specific purchases.” StarKist further objects to the Request to the extent that it seeks
19 information that is publicly available and/or can be obtained from sources that are more
20 convenient, less burdensome, or less expensive. StarKist further objects to this Request to
21 the extent it seeks information not within the possession, custody, or control of StarKist.
22 StarKist further objects to the Request to the extent that it seeks information protected from
23 discovery by any applicable privilege, immunity, or protection.

24 **REQUEST FOR PRODUCTION NO. 52**

25 All insurance policies or indemnification agreements or other documents, that may
26 provide coverage to You for any of the claims or causes of action asserted in this action, or
27 that may provide reimbursement for payments made in defense of this action, and
28 correspondence concerning coverage related to this action.

1 RESPONSE TO REQUEST FOR PRODUCTION NO. 52

2 StarKist hereby incorporates by reference its General Objections. StarKist further
3 objects to this Request on the grounds, reflected in the Motion, that class certification
4 should be denied without discovery in this Action. StarKist further objects on the basis that
5 this Request is overbroad and unduly burdensome and seeks information that is not
6 proportional to the needs of discovery in this case. StarKist further objects to this Request
7 as vague and ambiguous, particularly with respect to the phrases “other documents” and
8 “may provide,” and the terms “coverage” and “reimbursement.” StarKist further objects to
9 the Request to the extent that it seeks information protected from discovery by any
10 applicable privilege, immunity, or protection. StarKist further objects to this Request to the
11 extent it calls for information that is subject to third-party confidentiality restrictions.

12 Dated: September 14, 2020

PILLSBURY WINTHROP SHAW PITTMAN LLP
ROXANE A. POLIDORA
LEE BRAND
Four Embarcadero Center, 22nd Floor
San Francisco, CA 94111

By: _____ /s/ *Lee Brand*
Lee Brand

Atorneys for Defendant
STARKIST CO.